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*Attorneys for Plaintiff, N.V.E., Inc. and
Third Party Defendants Robert Occhifinto and Walter Orcutt*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

N.V.E., Inc.,

Plaintiff,

v.

JESUS J. PALMERONI a/k/a JOSEPH
PALMERONI, RONALD SUMICEK, SUNBELT
MARKETING, ABC Corporations 1-10,
and John Does 1-10,

Defendants.

Civil Action No. 06-5455
(MCA) (LDW)

**CERTIFICATION OF
AIDAN P. O'CONNOR
IN SUPPORT OF SUMMARY
JUDGMENT MOTION BY
PLAINTIFF NVE AND THIRD
PARTY DEFENDANTS**

JESUS J. PALMERONI,

Third-Party Plaintiff,

v.

ROBERT OCCHIFINTO and WALTER
ORCUTT,

Third-Party Defendants.

I, AIDAN P. O'CONNOR, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm Pashman Stein Walder Hayden, PC, counsel for Plaintiff, N.V.E., Inc. ("NVE") and Third-Party Defendants, Robert Occhifinto and Walter Orcutt in the above referenced matter. I am fully familiar with the facts alleged herein.

2. Attached hereto as Exhibit A are excerpts from the February 1, 2016, deposition of Jesus Palmeroni.

3. Attached hereto as Exhibit B are excerpts from the May 24, 2016, deposition of Jesus Palmeroni.

4. Attached hereto as Exhibit C are excerpts from the December 11, 2015. deposition of Vincent Rosarbo.

5. Attached hereto as Exhibit D are bank records concerning Palmeroni and Rosarbo's companies Smart World US and AWD.

6. Attached hereto as Exhibit E are true copies of 1999 and 2000 orders, correspondence and payment confirmations between NVE and its distributor in The Netherlands, Smart World.

7. Attached hereto as Exhibit F are excerpts from the March 16, 2016, deposition of Vincent Rosarbo.

8. Attached hereto as Exhibit G are excerpts from the December 7, 2015, deposition of Ronald Sumicek.

9. Attached hereto as Exhibit H are excerpts from the November 23, 2015, deposition of Darren Householder.

10. Attached hereto as Exhibit I are true copies of Lakeland Bank records reflecting payments made by Brand New energy to NRCG.

11. Attached hereto as Exhibit J are true and accurate copies of Bank of America records reflecting payments from Brand New Energy to AWD.

12. Attached hereto as Exhibit K are true and accurate copies of Bank of America records reflecting payments from Brand New Energy to VAR Consulting.

13. Attached hereto as Exhibit L are excerpts from the January 21, 2016, deposition of Robert Occhifinto.

14. Attached hereto as Exhibit M are excerpts from the May 6, 2010, deposition of David Caldwell.

15. Attached hereto as Exhibit N is a true and accurate copy of a letter sent to Palmeroni on March 24, 2006.

16. Attached hereto as Exhibit O is a true and accurate copy of a letter sent to Ronald Sumicek on November 23, 2005 regarding NVE's van promotion.

17. Attached hereto as Exhibit P is a true and accurate copy of Palmeroni's Complaint filed with the New Jersey Superior Court on January 4, 2007.

18. Attached hereto as Exhibit Q is a true and accurate copy of the August 10, 2004, Separation Agreement addressed to Palmeroni.

19. Attached hereto as Exhibit R is a true and accurate copy of the August 10, 2004, Separation Agreement addressed to Rosarbo.

20. Attached hereto as Exhibit S is a true and accurate copy of NVE's Employee Handbook dated March 22, 2002.

21. Attached hereto as Exhibit T are excerpts from the March 31, 2016, deposition of Arthur Prindle.

22. Attached hereto as Exhibit U are excerpts from the February 26, 2016, deposition of Erling Jensen.

23. Attached hereto as Exhibit V are excerpts from the March 30, 2016, deposition of Glenn Lee.

24. Attached hereto as Exhibit W are excerpts from the May 11, 2010, deposition of Ronald Sumicek.

25. Attached hereto as Exhibit X is an excerpt from the January 2006 transcript of a meeting that occurred at NVE's offices.

26. Attached hereto as Exhibit Y are the Articles of Incorporation for Smart World US.

27. Attached hereto as Exhibit Z are true copies of Lakeland Bank records reflecting payments exchanged between NRCG and VAR Consulting.

28. Attached hereto as Exhibit AA are true copies of Bank of America records reflecting a payment from Darren Householder to AWD.

29. Attached hereto as Exhibit BB are true and accurate copies of Bank of America records reflecting payments from CB Distributing to AWD.

30. Attached hereto as Exhibit CC are true and accurate copies of Bank of America records reflecting payments from Sessions Specialty Company to AWD.

31. Attached hereto as Exhibit DD is a true and accurate copy of a Bank of America record reflecting a payment from International Sales Group to AWD.

32. Attached hereto as Exhibit EE are true and accurate copies of Bank of America records reflecting payments from International Wholesale Service, Inc. to AWD.

33. Attached hereto as Exhibit FF is a true and accurate copy of a Bank of America record reflecting payment from International Wholesale Supply, Inc. to AWD.

34. Attached hereto as Exhibit GG is a true and accurate copy of a Bank of America record reflecting a payment from Kathleen M. Portz and John J. Portz, Sr. to AWD.

35. Attached hereto as Exhibit HH are true and accurate copies of Bank of America records reflecting payments from Alfredo Felice and Charmaine Felice to AWD.

36. Attached hereto as Exhibit II are true and accurate copies of Bank of America records reflecting payments from Curtis Beverage Company to AWD.

37. Attached hereto as Exhibit JJ are true and accurate copies of Bank of America records reflecting payments from CB Distributing to VAR.

38. Attached hereto as Exhibit KK is true and accurate copy of a Bank of America record reflecting a payment from Curtis Beverage, LLC to VAR.

39. Attached hereto as Exhibit LL are true and accurate copies of documents produced by Carlos Bengoa.

40. Attached hereto as Exhibit MM are true and accurate copies Fleet Bank and Bank of America bank account records for Smart World Inc. from 12/21/2002 through 5/31/2006 reflecting international wire transfers to T&J Limited.

41. Attached hereto as Exhibit NN are true and accurate copies of handwritten Smart World US payment ledgers received from Sarinelli and Associates, CPAs.

42. Attached hereto as Exhibit OO is a true and accurate copy of a February 13, 2006, letter from Daniel M. Stolz, Esq. to the District Court of New Jersey.

43. Attached hereto as Exhibit PP is a true and accurate copy of NRCG's Corporate Charter.

44. Attached hereto as Exhibit QQ is a true and accurate copy of the August 22, 2007, Bankruptcy Court Order confirming NVE's Chapter 11 plan.

45. Attached hereto as Exhibit RR is a true and accurate copy of the May 20, 2008, Bankruptcy Court final case decree in NVE's reorganization.

46. Attached hereto as Exhibit SS is a true and accurate copy of the application and appointment of special counsel in NVE's bankruptcy matter.

47. Attached hereto as Exhibit TT is a true and accurate copy of an October 22, 2007, Affidavit of Daniel M Stolz, submitted to this Court on behalf of NVE.

48. Attached hereto as Exhibit UU are true copies of Lakeland Bank records reflecting monies deposited into NRCG's account by American Wholesale Distribution, Inc.


49. Attached hereto as Exhibit VV are true copies of documents produced by defendants Ronald Sumicek and Sunbelt Marketing.

50. Attached hereto as Exhibit WW is a true and accurate copy of a document prepared by Profit Motivators and PMI.

51. Attached hereto as Exhibit XX are true and accurate copies of Lakeland Bank documents reflecting payments made by Dirk Nieuwenhuis to NRCG.

52. Attached hereto as Exhibit YY are true and accurate copies of orders received by NVE for products designated for Smart World Netherlands from 1/21/2005 to 4/24/2007.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read 'Aidan P. O'Connor', written over a horizontal line.

AIDAN P. O'CONNOR
PASHMAN STEIN WALDER HAYDEN, P.C.
Attorneys For Plaintiff
N.V.E, Inc. and
Third-Party Defendants Robert
Occhifinto and Walter Orcutt